

process back in 1998. He voted against the articles both in the House Judiciary Committee and on the House floor. Listen to this, a major part of his Senate campaign that year was literally promising New Yorkers in advance—in advance—that he would vote to acquit President Clinton.

People asked if it was appropriate for him to prejudge like that. He dismissed the question, saying: “This is not a criminal trial but . . . something the founding fathers decided to put in a body that was susceptible to the whims of politics.” That was the Democratic leader in the 1998 Senate campaign that. That was the newly sworn-in Senator SCHUMER in 1999.

A few weeks later, during the trial itself, Democratic Senator Tom Harkin successfully objected to the use of the word “jurors” to describe Senators because the analogy to a narrow legal proceeding was so inappropriate, according to Senator Harkin.

I respect our friends across the aisle, but it appears that one symptom of Trump derangement syndrome is also a bad case of amnesia—a bad case of amnesia.

No Member of this body needs condescending lectures on fairness from House Democrats who just rushed through the most unfair impeachment in modern history or lectures on impartiality from Senators who happily prejudged the case with President Clinton and simply changed their standards to suit the political winds.

Anyone who knows American history or understands the Constitution knows that a Senator's role in an impeachment trial is nothing—nothing like the job of jurors in the legal system. The very things that make the Senate the right forum to settle impeachments would disqualify all of us in an ordinary trial. All of us would be disqualified in an ordinary trial.

Like many Americans, Senators have paid great attention to the facts and the arguments that House Democrats have rolled out publicly before the Nation. Many of us personally know the parties on both sides.

This is a political body. We do not stand apart from the issues of the day. It is our job to be deeply engaged in those issues, but—and this is critical—the Senate is unique by design.

The Framers built the Senate to provide a check against short-termism, the runaway passions, and “the demon faction” that Hamilton warned would “extend his sceptre” over the House of Representatives “at certain seasons.”

We exist because the Founders wanted an institution that could stop momentary hysterias and partisan passions from damaging our Republic, an institution that could be thoughtful, be sober, and take the long view.

That is why the Constitution puts the impeachment trial in this place, not because Senators should pretend they are uninformed, unopinionated, or disinterested in the long-term political questions that an impeachment of the

President poses but precisely because we are informed; we are opinionated opinion; and we can take up these weighty questions. That is the meaning of the oath we take. That is the task that lies before us.

“Impartial justice” means making up our minds on the right basis. It means putting aside purely reflective partisanship and putting aside personal relationships and animosities. It means coolly considering the facts that the House has presented and then rendering the verdict we believe is best for our States, our Constitution, and our way of life. It means seeing clearly not what some might wish the House of Representatives had proven but what they actually have or have not proven. It means looking past a single news cycle to see how overturning an election would reverberate for generations.

You better believe Senators have started forming opinions about these critical questions over the last weeks or months. We sure have, especially in light of the precedent-breaking theatrics that House Democrats chose to engage in.

Here is where we are. Their turn is over. They have done enough damage. It is the Senate's turn now to render sober judgment as the Framers envisioned, but we can't hold a trial without the articles. The Senate's own rules don't provide for that. So, for now, we are content to continue the ordinary business of the Senate while House Democrats continue to flounder—for now.

If they ever muster the courage to stand behind their slapdash work product and transmit their articles to the Senate, it will then be time for the U.S. Senate to fulfill our founding purpose.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The majority leader.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 555.

The ACTING PRESIDENT pro tempore. The question is on the motion.

The motion was agreed to.

The clerk will read the nomination.

The senior assistant legislative clerk read the nomination of Jovita

Carranza, of Illinois, to be Administrator of the Small Business Administration.

#### CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk.

The ACTING PRESIDING pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Jovita Carranza, of Illinois, to be Administrator of the Small Business Administration.

Mitch McConnell, John Boozman, Joni Ernst, Kevin Cramer, David Perdue, Steve Daines, Thom Tillis, Roger F. Wicker, James E. Risch, Cindy Hyde-Smith, Lisa Murkowski, Pat Roberts, Richard C. Shelby, Deb Fischer, James Lankford, Chuck Grassley, Mike Rounds.

Mr. McCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MEASURE PLACED ON THE CALENDAR—S. 3148

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 3148) to amend the Controlled Substances Act to list fentanyl-related substances as schedule I controlled substances.

Mr. McCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The ACTING PRESIDENT pro tempore. An objection being heard, the bill will be placed on the calendar on the next legislative day.

#### LETTER OF RESIGNATION

Mr. McCONNELL. Mr. President, I understand the Chair received a letter of resignation of the former Senator

Johnny Isakson of Georgia, which was effective at 5 p.m. on Tuesday, December 31, 2019.

The ACTING PRESIDENT pro tempore. The distinguished leader is correct.

Mr. McCONNELL. I ask unanimous consent that the letter be spread upon the Journal and printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The letter follows:

UNITED STATES SENATE,

Washington, DC, December 19, 2019.

Hon. BRIAN KEMP, Governor,  
State of Georgia,  
Atlanta, Georgia.

DEAR GOVERNOR KEMP: It has been the honor and privilege of a lifetime to serve the state of Georgia in the U.S. Senate since 2005. As you know, I have been battling health challenges for several years, and after much prayer and consultation with my family and doctors, I have decided I will leave the Senate before the end of my term.

I therefore am notifying you that I am resigning my U.S. Senate seat effective at 5 p.m. on December 31, 2019. While it pains me greatly to leave in the middle of my term, I know it is the right thing to do for the citizens of Georgia.

I pledge to you that my staff and I will do everything we can to help whomever you appoint to serve in this seat.

Thank you for your service to our great state.

Sincerely,

JOHNNY ISAKSON.

#### ORDERS FOR MONDAY, JANUARY 6, 2020

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, January 6; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Carranza nomination; finally, that the cloture motion filed during today's session ripen at 5:30 p.m., Monday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### IMPEACHMENT

Mr. SCHUMER. Mr. President, I just heard Leader McCONNELL speak for 30

minutes on the subject of the President's impeachment. There was a lot of finger-pointing, name-calling, and misreading of history but not a single argument or discussion about the issue that is holding up the Senate trial: whether there will be witnesses and documents—not one mention. He has no good argument against having witnesses and documents, so he resorts to these subterfuges.

I will have more to say on impeachment momentarily, but I first want to address the issue of Iran.

#### IRAN

Mr. SCHUMER. Mr. President, last night, the United States conducted a military operation designed to kill Major General Qasem Soleimani, a notorious terrorist. No one should shed a tear over his death. The operation against Soleimani in Iraq was conducted, however, without specific authorization and any advance notification or consultation with Congress.

I am a member of the Gang of 8, which is typically briefed in advance of operations of this level of significance. We were not. The need for advance consultation and transparency with Congress was put in the Constitution for a reason—because the lack of advance consultation and transparency with Congress can lead to hasty and ill-considered decisions. When the security of the Nation is at stake, decisions must not be made in a vacuum. The Framers of the Constitution gave war powers to the legislature and made the executive the Commander in Chief for the precise reason of forcing the two branches of government to consult with one another when it came to matters of war and peace.

It is paramount for an administration to get an outside view to prevent groupthink and rash action and to be asked probing questions, not from your inner and often insulated circle but from others—particularly Congress—which forces an administration, before it acts, to answer very serious questions. The administration did not consult in this case, and I fear that those very serious questions have not been answered and may not be fully considered.

Among those questions: What was the legal basis for conducting this operation? How far does that legal basis extend? Iran has many dangerous surrogates in the region and a whole range of possible responses. Which responses do we expect? Which are most likely? Do we have plans to counter all of the possible responses? How effective will our counters be? What does this action mean for the long-term stability of Iraq and the trillions of dollars and thousands of American lives sacrificed there? How does the administration plan to manage an escalation of hostilities? How does the administration plan to avoid larger and potentially endless conflagration in the Middle East? These are questions that must be answered.

It is my view that the President does not have the authority for a war with Iran. If he plans a large increase in troops and potential hostility over a longer time, the administration will require congressional approval and the approval of the American people.

The President's decision may add to an already dangerous and difficult situation in the Middle East. The risk of a much longer military engagement in the Middle East is acute and immediate. This action may well have brought our Nation closer to another endless war—exactly the kind of endless war the President promised he would not drag us into.

As our citizens and those of our allies evacuate Iraq and troops prepare for retaliatory action, Congress needs answers to these questions and others from the administration immediately, and the American people need answers as well.

#### IMPEACHMENT

Mr. SCHUMER. Mr. President, the Senate begins this new session of Congress preparing to do something that has happened only twice before in American history: serving as a court of impeachment in a trial of the President of the United States.

President Donald Trump stands accused by the House of Representatives of committing one of the offenses the Founding Fathers most feared when it came to the stability of the Republic: abusing the powers of his office for personal gain and soliciting the interference of a foreign power in our elections to benefit himself. The House has also charged the President with obstructing Congress in the investigation into those matters, the consequence of an unprecedented blockade of relevant witnesses and documents—flatly denying the legislative branch's constitutional authority to provide oversight of the Executive.

As all eyes turn to the Senate, the question before us is, Will we fulfill our duty to conduct a fair impeachment trial of the President of the United States or will we not? That is the most pressing question facing the Senate at the outset of this second session of the 116th Congress. Will we conduct a fair trial that examines all the facts or not?

The country just saw Senator McCONNELL's answer to that question. His answer is no. Instead of trying to find the truth, he is still using the same feeble talking points he was using last December. The country just saw how the Republican leader views his responsibility at this pivotal moment in our Nation's history. The Republican leader prefers finger-pointing and name-calling to avoid answering the looming question: Why shouldn't the Senate call witnesses? The Republican leader hasn't given one good reason why there shouldn't be relevant witnesses or relevant documents. We did not hear one from Leader McCONNELL today or any day.